

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALFRED ALAN CRAVEN,

Defendant.

No. C 09-811 CW

ORDER REGARDING
DEFENDANT'S MOTION
FOR A JUDICIAL
RECOMMENDATION TO
THE BUREAU OF
PRISONS

Defendant Alfred Alan Craven moves for a judicial recommendation to the Bureau of Prisons (BOP) to consider placing him into a half-way house or home confinement for the final twelve months of his term of imprisonment.

While the BOP has the sole power to designate the place of a prisoner's imprisonment, the court that imposed the sentence may make non-binding recommendations to the BOP regarding the type of facility in which the prisoner is housed. 18 U.S.C. § 3621(b)(4)(B). Further, the Second Chance Act of 2007, 18 U.S.C. § 3624(c), provides that,

(1) In general. The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.


(2) Home confinement authority. The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

1 See also 28 C.F.R. § 570.21 (time-frames for pre-release community
2 confinement). The Court notes that Defendant's request for a
3 recommendation of twelve months of home confinement exceeds the
4 maximum amount authorized under 18 U.S.C. § 3624(c)(2).

5 Within fourteen days of the date of this Order, the United
6 States Attorney shall file a response to Defendant's motion, and
7 the United States Probation Office shall file a recommendation in
8 response to Defendant's motion. Defendant's reply, if any, shall
9 be due seven days thereafter. Defendant's motion shall be taken
10 under submission on the papers.

11 IT IS SO ORDERED.

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13 Dated: 8/10/2012

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15 CLAUDIA WILKEN
16 United States District Judge
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